

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 5448 of 2004

Between:

G. Subba Rao S/o. Hanumaiah,
R/o. H.No.5/72, Koneti Street, Markapur, Prakasam District.

... PETITIONER

AND

1 The Regional Transport Authority, Prakasam District at Ongole, rep., by its
Secretary.

2 Sri D. Venkateswara Reddy, S/o. Koti Reddy
R/o. Doddavari Street, Markapur, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of mandamus, declaring the proceedings of the first respondent in Procs.R.No.12838/A2/2000, dated 1.5.2003 and also the orders of the State Transport Appellate Tribunal, A.P., Hyderabad, dated 17.2.2004, passed in M.P.No.249/2003 in C.No.1435/2003, as being illegal, irregular and erroneous and consequently set aside the same.

Counsel for the Petitioner: MR.A.GIRIDHAR RAO

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondent No.2: MR. E. MARUTHI RAJA

The Court made the following order:

ORDER:

-

Petitioner, one of the Sector transport operator on the Town Service Route Markapur Reading Room to Buddapalli, questions the order of the Secretary, Regional Transport Authority, Ongole made in R.No.12838/A2/2000 dated 01.05.2003 and also the order of the State Transport Appellate Tribunal dated 17.02.2004 in dismissing the application to condone the delay of 117 days in M.P.No.249 of 2003 in C.A.No.1435 of 2003 under Section 5 of the Limitation Act.

I have perused the said application and the only reasons stated for the delay is that originally the grant of permit in favour of the second respondent was refused against which he has filed an appeal before the Appellate Tribunal, which was allowed granting the second respondent four months time to submit the records and the four months time expired on 12.03.2004. The second respondent after expiry of the prescribed time produced the records on 01.05.2004 and the petitioner was not a party to the said proceedings. As petitioner is not a party to the said proceedings he is entitled to question any illegal action even with a delay also by explaining sufficient and cogent reasons. But no sufficient cause has been shown to condone the delay in the said application.

Therefore, I do not see any illegality in the order of the State Transport Appellate Tribunal dismissing the petitioner's application to condone the delay of 117 days.

Accordingly, the writ petition is dismissed. No costs.

V. ESWARAI AH, J

April 25, 2005

Dsk

To

1 The Regional Transport Authority, Prakasam District at Ongole, rep., by its Secretary.

2 Two CCs to GP For Transport, High Court Buildings, Hyderabad (OUT)

Two CD Copies.